

REMARKS

In response to the Office Action dated April 20, 2004, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1, 2, and 5-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Duley (U.S. Patent No. 5,459,671) in view of Hansson (U.S. Patent No. 6,323,775). It is respectfully submitted that claims 1, 2, and 5-9 are patentable for at least the reasons set forth below.

Claims 1 and 8 include features that are neither disclosed nor suggested by the cited patents, taken individually or in combination. Claim 1 recites, among other features:

retrieving battery status data from a basic input-output system (BIOS) ... by an applications program initiating a BIOS interrogating routine to retrieve battery status,

This feature is not taught or suggested by the cited patents, taken individually or in combination.

Duley fails to disclose or suggest “retrieving battery status data from a basic input-output system (BIOS) ... by an applications program initiating a BIOS interrogating routine to retrieve battery status” as recited in claim 1. In Duley, a charge gauge IC 18 monitors the battery. A microcontroller 16 monitors the IC 18 and obtains battery status data from the IC 18 (5:4-6).

In Duley, battery status data is not retrieved from the BIOS. In fact, the BIOS is never interrogated for battery status data. The BIOS in Duley communicates with the microcontroller 16 by reading data from, and writing data to, the internal registers on the microcontroller 16 (5:24-27). The microcontroller 16 communicates with the BIOS by asserting an interrupt. During a microcontroller interrupt, the BIOS will stop the program that is running on the system microprocessor and check the status of the microcontroller 16 by reading the microcontroller’s internal registers (5:27-35). These internal registers on the microcontroller 16 may indicate that there is a low battery charge level, pursuant to the information provided it by the IC 18. At no time, however, is the BIOS itself interrogated to retrieve battery status data.

The Office Action states that Figure 6A of Duley discloses the retrieval of the battery status by the application program through the BIOS. Applicants respectfully submit that this analysis of Figure 6A is incorrect. Figure 6A shows a flowchart that describes the operation of Duley, as set forth above. In particular, in Figure 6A, the microcontroller requests charge data from the IC (step 52), and then stores the charge data into its internal registers (step 62). At step 70, the microcontroller interrupts the system microprocessor. Then, upon receipt of the interrupt, the BIOS reads the microcontroller's internal registers (step 72). However, the BIOS itself is not being interrogated to provide battery status data. Thus, the functionality of Figure 6A is completely different from the claimed initiation of a routine to interrogate a BIOS to retrieve battery status data.

Hansson fails to cure the deficiencies of Duley. Hansson is directed to notifying a user of a portable electronic device of a recharge notification, when the battery capacity of the device falls below a predetermined level and the device is proximally located to a charging unit. However, Hansson does not teach or suggest retrieving battery status data from a BIOS by an applications program initiating a BIOS interrogating routine to retrieve battery status, as recited in claim 1.

Independent claim 8 includes features similar to those described above with respect to claim 1. Based on the foregoing, claims 1 and 8 should not be rejected as being unpatentable over Duley in view of Hansson. Thus, claims 1 and 8 are patentable for the reasons set forth above.

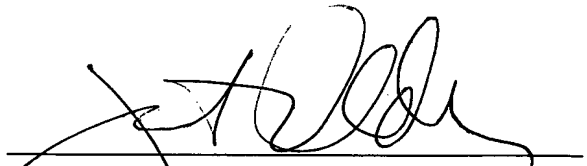
Claims 2 and 5-7 and claim 9 depend on claims 1 and 8, respectively, and are thus patentable for at least the reasons set forth above. Withdrawal of the rejections of claims 1, 2, and 5-9 under 35 U.S.C. §103(a) is respectfully requested.

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**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

In view of the above remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

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